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EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,840

Applicant(s)

FITZGERALD, CARY

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-56 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 02/28/2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al (Agrawal), U.S. Patent No. 6,788,660 B1 in view of Thomas et al (Thomas), U.S. Patent No. 6,751,652 B1.

Regarding claim 1, Agrawal discloses the invention as claimed. Agrawal teaches a device (*fig. 1, item 120; fig. 2, items 210-220; and fig. 6, item 330-1*) comprising:

a network interface for coupling to a network (*fig. 1, items 100, and 103*); and

a processor coupled with the network interface (*fig. 6, items 330-1, and 626; column 5, lines 19-36*), in which the processor is adapted to

receive and analyze a invite message (*column 5, lines 54-67; column 6, lines 1-28*);

generate a H.323 request message responsive to the analyzed invite message (*column 5, lines 54-67; column 6, lines 1-28*); and

transmit the generated request message to a H.323 gatekeeper (*fig. 2, items 200-5, and 200-11; column 4, lines 44-63; column 5, lines 37-67; column 6, items 1-28*). However, Agrawal does not specifically disclose the invite message being a SIP invite message.

In the same field on endeavor, Thomas discloses a network device that allow "...direct communication between an end user device and a gatekeeper device... that is capable of handling call setup request using the H.323 protocol or the SIP protocol..." [see *Thomas, column 8, lines 40-67*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Thomas' teachings of using a SIP invite message, with the teachings of Agrawal, for the purpose of "*allowing compatibility with the H.323 protocol and supporting communications with the gatekeeper (proxy server)...*" as stated by Thomas in lines 52-60 of column 5. By this rationale **claim 1** is rejected.

Regarding independent claims 10, 15, and 24, the limitations of the claims are taught within the figures disclosed in the combination Agrawal -Thomas (e.g., see exemplary independent claim 1). Independent claims 10, 15, and 24 teach the same network device that was examined in claim 1. The same motivation that was utilized in the combination of claim 1, applies equally as well to claims 10, 15, and 24 [see *Thomas, column 5, lines 52-60*]. By this rationale **claims 10, 15, and 24** are rejected.

Regarding independent claims 29, and 38, the limitations of the claims are taught within the figures disclosed in the combination Agrawal -Thomas (e.g., see

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exemplary independent claim 1). Independent claims 29 and 38 teach the same network device that was examined in claim 1 and additionally, disclose a storage medium having instructions executed by at least one device [see Agrawal, fig. 6, items 330-1, 625, 628, and 630]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claims 29 and 38 [see *Thomas*, column 5, lines 52-60]. By this rationale **claims 29 and 38** are rejected.

Regarding independent claims 43, and 52, the limitations of the claims are taught within the figures disclosed in the combination Agrawal -Thomas (e.g., see exemplary independent claim 1). Independent claims 43 and 52 teach the same network device that was examined in claim 1 in a method format instead of an apparatus format. The same motivation that was utilized in the combination of claim 1, applies equally as well to claims 43 and 52 [see *Thomas*, column 5, lines 52-60]. By this rationale **claims 43 and 52** are rejected.

Regarding **claim 2**, the combination Agrawal -Thomas teaches the device of claim 1, in which the request message is a ASN.1 encoded RAJ LRQ message [see *Agrawal*, column 5, lines 54-67; column 6, lines 1-28]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 2 [see *Thomas*, column 5, lines 52-60]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Agrawal -Thomas teaches the device of claim 1, in which the gatekeeper is preconfigured [see *Thomas*, column 5, lines 1-36], and

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the request message is transmitted over a UDP socket [see *Agrawal, column 18, lines 22-40*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 3 [see *Thomas, column 5, lines 52-60*]. By this rationale **claim 3** is rejected.

Regarding **claim 4**, the combination Agrawal -Thomas teaches the device of claim 1, in which the processor is further adapted to:

receive a H.323 response message responsive to the transmitted request message [see *Thomas, column 4, lines 64-67; column 5, lines 1-60*];

decode from the response message a primary network address corresponding to a primary network device associated with the gatekeeper [see *Thomas, column 4, lines 44-65*];
and

send a reply to the SIP invite message that contains the primary network address [see *Thomas, column 5, lines 54-67; column 6, lines 1-55*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 4 [see *Thomas, column 5, lines 52-60*]. By this rationale **claim 4** is rejected.

Regarding **claim 5**, the combination Agrawal -Thomas teaches the device of claim 4, in which

the SIP invite message is received from a first device, and

the reply to the SIP invite message is sent to a second device different from

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the first device [see *Thomas*, column 8, lines 55-67; column 9, lines 33-45]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 5 [see *Thomas*, column 5, lines 52-60]. By this rationale **claim 5** is rejected.

Regarding **claim 6**, the combination Agrawal -Thomas teaches the device of claim 4, in which

the response message is a ASN.1 encoded RAS LCF message [see *Agrawal*, column 5, lines 54-67; column 6, lines 1-28]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 6 [see *Thomas*, column 5, lines 52-60]. By this rationale **claim 6** is rejected.

Regarding **claim 7**, the combination Agrawal -Thomas teaches the device of claim 4, in which

the response message is a ASN.1 encoded LRJ message [see *Agrawal*, column 5, lines 54-67; column 6, lines 1-28; column 20, lines 3-35]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 7 [see *Thomas*, column 5, lines 52-60]. By this rationale **claim 7** is rejected.

Regarding **claim 8**, the combination Agrawal -Thomas teaches the device of claim 4, in which

the response message is a ASN.1 encoded RIP message [see *Agrawal*, column 5, lines 54-67; column 6, lines 1-28; column 20, lines 3-35]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 8 [see *Thomas*, column 5, lines 52-60]. By this rationale **claim 8** is rejected.

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Regarding **claim 9**, the combination Agrawal -Thomas teaches the device of claim 4, in which the processor is further adapted to:

decode from the response message also an alternate network address corresponding to an alternate network device associated with the gatekeeper, and

in which the reply to the SIP invite message further contains the alternate network address [see *Agrawal*, column 20, lines 36-67; column 21, lines 1-50; and see *Thomas*, column 8, lines 39-67]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 9 [see *Thomas*, column 5, lines 52-60]. By this rationale **claim 9** is rejected.

Regarding independent claims 11, 16, 25, 30, 39, 44, and 53 are substantially the same as **claim 2**, and is thus rejected for reasons similar to those in rejecting **claim 2**.

Regarding independent claims 12, 17, 26, 31, 40, 45 and 54 are substantially the same as **claim 3**, and is thus rejected for reasons similar to those in rejecting **claim 3**.

Regarding independent claims 13, 18, 27, 32, 41, 46 and 55 are substantially the same as **claim 4**, and is thus rejected for reasons similar to those in rejecting **claim 4**.

Regarding independent claims 19, and 33 are substantially the same as **claim 5**, and is thus rejected for reasons similar to those in rejecting **claim 5**.

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Regarding independent claims 20 and 34 are substantially the same as **claim 6**, and is thus rejected for reasons similar to those in rejecting **claim 6**.

Regarding independent claims 21 and 35 are substantially the same as **claim 7**, and is thus rejected for reasons similar to those in rejecting **claim 7**.

Regarding independent claims 22 and 36 are substantially the same as **claim 8**, and is thus rejected for reasons similar to those in rejecting **claim 8**.

Regarding independent claims 14, 23, 28, 37, 42, 51 and 56 are substantially the same as **claim 9**, and is thus rejected for reasons similar to those in rejecting **claim 9**.

REFERENCE Cited

4. Agrawal et al (Agrawal), U.S. Patent No. 6,788,660 B1

Thomas et al (Thomas), U.S. Patent No. 6,751,652 B1.

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

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JJG



April 14, 2005



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